UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,716	05/14/2001	Tim Wilson	O8-887325US1	6617

7590 12/30/2005	**EXAMINER**
GOWLING LAFLEUR HENDERSON LLP	BESROUR, SAOUSSEN

GOWLING LAFLEUR HENDERSON LLP
Suite 2600
160 Elgin Street
Ottawa, ON K1P 1C3
CANADA

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

    4a) Of the above claim(s) *12-24,26,27 and 37-47* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,25 and 28-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau-(PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of Group I: claims 1-11, 25 and 28-36 in the reply filed on 11/25/2005 is acknowledged.

2.   Applicant's election submission filed on November 25, 2005 has been entered and made of record.

3.   Examiner corrects typographical error made in previous Office Action. Group III should be: claims 20-24, 27 and 44-47.

Priority

4.   This application is claiming priority to Provisional Application Serial No. 60/203932 filed on May 12, 2000.

Information Disclosure Statement

5.   The information disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

6.   **Claim 25** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 25 reads, "The computer instructions". With respect to "the computer instructions", the specification discloses a method according to the present invention for automatically providing enhanced and secure access to a group of users initiated by a non-technically trained user on a computer network without the intervention of information systems personnel includes the steps of receiving a request from the a user to establish the group of users; configuring a network infrastructure to support the group; providing a group identifier; allowing users to join the group according to the group identifier; further configuring the network infrastructure to support the joining users; and dissolving the group based on predetermined rules, However, the specification does not indicate how or what "computer instructions" are derived or used for this method. The examiner would like to point out that new matter should not be added to the disclosure

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   **Claim 11** recites the limitation "the default state" in Line 15. There is insufficient

antecedent basis for this limitation in the claim. For the purpose of this examination,

Examiner presumes Applicant intended to write "a default state" instead of "the default

state".

8.   **Claim 25** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. It is not clear which computer instructions the Applicant is

referring to.

9.   **Claim 25** recites the limitation "the computer instructions" in Page 78, Line 22.

There is insufficient antecedent basis for this limitation in the claim. Examiner

presumes Applicant meant for "the computer instructions" to be any kind of computer

instructions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   **Claim 1, 2, 3, 4, 7, 8, 9, 10, 11 and 25** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Gage et al. (U.S. Patent No. 6,035,405) in view of Barkai et al.

(U.S. Patent No. 6,188,691).

As per **claim 1** Gage et al. discloses: configuring a network infrastructure to support the group (Column 4, Lines 4-7 and Lines 19-32); providing a group identifier (Column 4, Lines 32-35); allowing users to join the group according to the group identifier (Column 4, Lines 33-59); and further configuring the network infrastructure to support the joining users (Column 4, Lines 4-7). Gage et al. does not expressly disclose receiving a request from a user to establish the group of users; dissolving the group based on predetermined rules. Barkai et al. discloses: receiving a request from a user to establish the group of users (Column 6, Lines 10-20); and dissolving the group based on predetermined rules (Column 6, Lines 27-42). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Barkai et al. in conjunction with the teachings of Gage et al. for the benefit of the VLAN Remove function providing the additional functionality of dissolving the group. The motivation for doing so is to have an operation that enable or disable multicast traffic to the particular port associated with member of the session VLAN (Column 6, Lines 56-59).

As per **claim 2** is rejected as applied to claim 1 above. Furthermore, Gage et al. discloses: the group of users is composed of one or more than one users (Column 4, Line 32-35).

As per **claim 3** is rejected as applied to claim 1 above. Furthermore, Gage et al. discloses: the network infrastructure includes a physical local area network (Column 3, Lines 13-20).

As per **claim 4** is rejected as applied to claim 1 above. Furthermore, Gage et al.

discloses: the step of configuring a network includes the step of establishing a virtual

local area network on a physical area network (Column 3, Lines 52-62).

As per **claim 7** is rejected as applied to claim 1 above. Furthermore, Gage et al.

discloses: the step providing a group identifier includes the step of providing a group

name and password (Column 4, Lines 32-37 and Column 5, Lines 29-38).

As per **claim 8** is rejected as applied to claim 1 above. Furthermore, Gage et al.

discloses: the step of allowing users to join the group according to the group identifier

includes the step of allowing users to join group according to group name and password

(Column 4, Lines 32-37 and Column 5, Lines 29-38).

As per **claim 9** is rejected as applied to claim 1 above. Furthermore, Gage et al.

discloses: the step of further configuring the network infrastructure includes the step pf

configuring the switch port that the user is connected to with a VLAN associated with

the group (Column 4, Lines 4-18).

As per **claim 10** is rejected as applied to claim 1 above. The combined

references Gage et al. and Barkai et al. substantially teach receiving a request from the

a user to establish the group of users; configuring a network infrastructure to support

the group; providing a group identifier; allowing users to join the group according to the

group identifier; further configuring the network infrastructure to support the joining

users; and dissolving the group based on predetermined rules. Furthermore, Barkai et

al. discloses: the step of dissolving the group includes revoking the group identifier

(Column 6, Lines 56-59). Therefore it would have been obvious to one of ordinary skill

in the art at the time the invention was made to use the teachings of Barkai et al. in

conjunction with the teachings of Gage et al. for the benefit of the VLAN Remove

function providing the additional functionality of dissolving the group. The motivation for

doing so is to have an operation that enable or disable multicast traffic to the particular

port associated with member of the session VLAN (Column 6, Lines 56-59).

As per **claim 11** is rejected as applied to claim 10. The combined references

Gage et al. and Barkai et al. substantially teach the step of dissolving the group includes

revoking the group identifier. Furthermore, Barkai et al. discloses: the step of dissolving

further includes the step of returning ports of switches supporting a VLAN associated

with the dissolved group to the default state and removing all references to the VLAN

associated with the dissolved group from the switches (Column 7, Lines 13-18).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the teachings of Barkai et al. in conjunction with the

teachings of Gage et al. for the benefit of blocking multicast traffic at each port in the

switch. The motivation for doing so is to enable complex multicast environments to be

created and administered within existing standard bridged networks without the need to

upgrade network device hardware or communication protocol stacks.

As per **claim 25** is rejected as applied to claim 1. Furthermore Gage et al.

discloses: a computer readable medium containing the computer instructions for

executing in a computer of the method of claim 1 (Column 3, Lines 13-16).

11.   **Claim 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gage et al. (U.S. Patent No. 6,035,405) in view of Barkai et al. (U.S. Patent No.

6,188,691) in further view of Yuasa et al. (U.S. Patent No. 6,085,238).

    As per **claim 5** is rejected as applied to claim 1. The combined references Gage

et al. and Barkai et al. substantially teach receiving a request from the a user to

establish the group of users; configuring a network infrastructure to support the group;

providing a group identifier; allowing users to join the group according to the group

identifier; further configuring the network infrastructure to support the joining users; and

dissolving the group based on predetermined rules. The combined teachings of Gage et

al. and Barkai et al. do not explicitly disclose the step of configuring a network

infrastructure includes the step of configuring switches that are IEEE802. 1Q compliant.

Yuasa et al. discloses: the step of configuring a network infrastructure includes the step

of configuring switches that are IEEE802. 1Q compliant (Column 25, Lines 53-59).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the teachings of Yuasa et al. in conjunction with the

combined teachings of Gage et al. and Barkai et al. for the benefit of incorporating a

mechanism whereby LAN traffic can carry VLAN identifier, this allowing selective

switching of packets with this identifier.

    As per **claim 6** is rejected as applied to claim 5. The combined references Gage

et al., Barkai et al. and Yuasa et al. substantially teach the step of configuring a network

infrastructure includes the step of configuring switches that are IEEE802. 1Q compliant.

Furthermore, Yuasa et al. discloses: the step of configuring switches includes a use of

Q-tag (Column 26, Lines 12-34). Therefore it would have been obvious to one with
ordinary skill in the art at the time the invention was made to use the teachings of Yuasa
et al. in conjunction with the combined teachings of Gage et al. and Barkai et al. for the
benefit of incorporating a mechanism whereby LAN traffic can carry VLAN identifier, this
allowing selective switching of packets with this identifier.

12.   **Claims 28, 29, 30, 31, 32, 33, 34 and 35** are rejected under 35 U.S.C. 103(a) as
being unpatentable over Gage et al. (U.S. Patent No. 6,035,405) in view of Yuasa et al.
(U.S. Patent No. 6,085,238).

As per **claim 28** Gage et al. discloses: a registration module to receive a request
including a group identifier from the user (Column 4, Line 19-37); and a registration
driver to register the user to access the group of users, assign the group of users and
maintain registration information and state information of a network infrastructure
associated with the group of users (Column 4, Lines 4-7, 29-31 and Column 4, Lines
51-58). Gage et al does not explicitly disclose a module to assign VLAN tags based on
registration status; and a packet driver module to insert/remove VLAN tags from
packets based on registration status. Yuasa et al. discloses: a module to assign VLAN
tags based on registration status (Column 25, Lines 53-64); and a packet driver module
to insert/remove VLAN tags from packets based on registration status (Column 25,
Lines 53-64 and Column 26, Lines 12-22). Therefore it would have been obvious to one
with ordinary skill in the art at the time the invention was made to use the teachings of
Yuasa et al. in conjunction with the teachings of Gage et al. for the benefit of

identification of the virtual group and user priority information. The motivation for doing

so would be to port address and tag in coordination with standard. Not only the numeral

representing distributed order such as memory address or group name, but also the

name defined by user can be adapted to the address or group name.

As per **claim 29** is rejected as applied to claim 28. The combined teachings of

Gage et al. and Yuasa et al. substantially teaches a registration module to receive a

request including a group identifier from the user; a registration driver to register the

user to access the group of users, assign the group of users and maintain registration

information and state information of a network infrastructure associated with the group

of users; a module to assign VLAN tags based on registration status; and a packet

driver module to insert/remove VLAN tags from packets based on registration status.

Furthermore, Yuasa et al. discloses: the VLAN tags are Q-tags of IEEE802.1Q (Column

25, Lines 53-59 and Column 26, Lines 12-34). Therefore it would have been obvious to

one of ordinary skill in the art at the time the invention was made to use the teachings of

Yuasa et al. in conjunction with the teachings of Gage et al. for the benefit of

incorporating a mechanism whereby LAN traffic can carry VLAN identifier, this allowing

selective switching of packets with this identifier.

As per **claim 30** is rejected as applied to claim 28. The combined teachings of

Gage et al. and Yuasa et al. substantially teaches a registration module to receive a

request including a group identifier from the user; a registration driver to register the

user to access the group of users, assign the group of users and maintain registration

information and state information of a network infrastructure associated with the group

of users; a module to assign VLAN tags based on registration status; and a packet driver module to insert/remove VLAN tags from packets based on registration status. Furthermore, Yuasa et al. discloses: the state information of a network infrastructure is information on the switches that are IEEE802.1Q compliant (Column 25, Lines 53-59 and Column 26, Lines 12-34). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Yuasa et al. in conjunction with the teachings of Gage et al. for the benefit of incorporating a mechanism whereby LAN traffic can carry VLAN identifier, this allowing selective switching of packets with this identifier.

As per **claim 31** is rejected as applied to claim 28. The combined teachings of Gage et al. and Yuasa et al. substantially teaches a registration module to receive a request including a group identifier from the user; a registration driver to register the user to access the group of users, assign the group of users and maintain registration information and state information of a network infrastructure associated with the group of users; a module to assign VLAN tags based on registration status; and a packet driver module to insert/remove VLAN tags from packets based on registration status.

Furthermore, Yuasa et al. discloses: the module to construct VLAN tags comprises the SNMP module (Column 55, Lines 10-40). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Yuasa et al. in conjunction with the teachings of Gage et al. for the benefit of facilitating the exchange of management information between network devices and enabling

network administrators to manage network performance, find and solve network

problems, and plan for network growth.

As per **claim 32** is rejected as applied to claim 28. The combined teachings of

Gage et al. and Yuasa et al. substantially teaches a registration module to receive a

request including a group identifier from the user; a registration driver to register the

user to access the group of users, assign the group of users and maintain registration

information and state information of a network infrastructure associated with the group

of users; a module to assign VLAN tags based on registration status; and a packet

driver module to insert/remove VLAN tags from packets based on registration status.

Furthermore, Yuasa et al. discloses: the module further comprises a web based user

interface (Column 2, Lines 10-18). Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the teachings of Yuasa

et al. in conjunction with the teachings of Gage et al. for the benefit of World Wide Web

multimedia network. The motivation for doing so is because the demand for WWW

multimedia network is increasing explosively (Column 2, Lines 15-17).

As per **claim 33** is rejected as applied to claim 28. Furthermore, Gage et al.

discloses: the group identifier includes a group name and password (Column 4, Lines

32-37 and Column 5, Lines 29-38).

As per **claim 34** is rejected as applied to claim 28. Furthermore, Gage et al.

discloses: the request includes the request for creating the group of users (Column 4,

Lines 19-37).

As per **claim 35** is rejected as applied to claim 28. Furthermore, Gage et al.

discloses: the request includes the request for showing information associated with the

group of users (Column 3, Lines 63-67 and Column 4, Lines 1-7).

13.   **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gage et

al. (U.S. Patent No. 6,035,405) in view of Yuasa et al. (U.S. Patent No. 6,085,238) as

applied to claim 28, further in view of Barkai et al. (U.S. Patent No. 6,188,691).

The combined references Gage et al. and Yuasa et al. substantially teach: a

registration module to receive a request including a group identifier from the user; a

registration driver to register the user to access the group of users, assign the group of

users and maintain registration information and state information of a network

infrastructure associated with the group of users; a module to assign VLAN tags based

on registration status; and a packet driver module to insert/remove VLAN tags from

packets based on registration status. The combined teachings of Gage et al. and

Yuasa et al. do not explicitly disclose the request includes the request for deleting the

group of users. Barkai et al. disclose: the request includes the request for deleting the

group of users (Column 6, Lines 56-59). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to use the teachings of

Barkai et al. in conjunction with the combined teachings of Gage et al. and Yuasa et al.

for the benefit of preventing the flooding of multicast traffic to a particular port (Column

3, Lines 48-49).

Conclusion

14.   Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

15.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chan et al. U.S. Patent No. 4,823,338 - Connectionless system allowing for expansion.

16.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SB
December 6, 2005

Primary Examiner
AU 2131
12/9/05